REMARKS

I.   Status

Claims 36-37 have been amended. Specifically, a minor amendment has been made to claim 36 in regards to the 101 rejection (see at least page 4, lines 20-22 and Figure 1 for support), and claim 37 has been amended to recite some features already presented in claims 36 and 38. No new subject matter has been added as a result. Claims 1, 9-10, 15-16, 20-22, and 24-35 have been previously canceled, and claim 39 has been withdrawn. Accordingly, claims 2-8, 11-14, 17-19, 23, and 36-38 are currently pending for present prosecution.

II.   Rejections Under 35 U.S.C. § 101

Claims 2-8, 11-14, 17-19, and 36 were rejected as being directed to non-statutory subject matter. (Office Action, pages 4-5). To further prosecution, Applicants have amended independent claim 36, as suggested by the Examiner. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections.

III.   Rejections Under 35 U.S.C. § 103

Claims 2-8, 11-14, 17-19, 23, and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muendel (WO 01/42809 A2) in view of Nimura, et al. (U.S. 6,098,015).

<u>Claim 36 and Dependents</u>

Claim 36 recites, *inter alia*, "using, by a computer processor, a geographic database that contains data that represents geographic features to compare geographic features of the first course to geographic features in a second geographic area different from the first geographic area, the geographic database stored on data storage hardware," "identifying, by a computer processor and based on the comparison, data in the geographic database representing geographic features in the second geographic area that substantially match the geographic features of the first course," and "determining, by a computer processor, a second course located in the second geographic area based on the identified data, the second course having a substantially equivalent surface, a substantially equivalent

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length, and substantially equivalent turns as the first course." The combination of
Muendel and Nimura, et al. does not disclose at least these features.

Muendel discloses a system for automatic monitoring of a real-time athletic
performance of a user. (Muendel, Abstract). Athletes preparing for a race with a
particular elevation profile might benefit from software that uses a digital elevation
model database to engineer a local training route that has a similar elevation profile
to that of the race. (Muendel, page 18, lines 23-25). Furthermore, in some cases, a
virtual competition can be held whereby users at different locations and/or at
different times can conduct a virtual competition. (Muendel, Abstract). For example,
multiple competitors can wear training devices and complete respective courses at
different locations. (Muendel, page 28, lines 1-10). Once all the competitors' results
are sent to a server computer and stored in a data buffer, the server computer
determines a "winner" taking any number of different approaches, such as
considering age, weight, etc. as well as using other weighting factors. (Muendel,
page 28, lines 14-19). A winner flag can be provided to indicate the winner.
(Muendel, page 28, lines 19-20).

Nimura, et al. discloses a vehicle navigation system in which user preferred
road data is determined and stored during travel to supplement fixed road data.
(Nimura, et al., Abstract). Column 7, line 45 to column 8, line 28 of Nimura, et al.
disclose a procedure to learn the user's preference. Different road attributes are
stored based on the user preferences, and this user preferred data can be used
when a route is searched to determine a route reflecting user preferences. (Nimura,
et al., column 6, lines 1-7).

However, even if one of ordinary skill in the art would have combined the
references, there is still no teaching of using a geographic database to compare
different areas and to determine a differently located second course having a
substantially equivalent surface, a substantially equivalent length, and substantially
equivalent turns as the first course. Muendel discloses that a digital elevation
model database may be used to engineer a local training route that has a similar
elevation profile to that of a race course. Yet, even if the database of Nimura, et al.
is used to engineer the local training route with the similar elevation profile, only
elevation data would be retrieved and used from the Nimura, et al. database based
on the combined teachings of the references. The combination does not teach

using a geographic database to determine a course having a substantially equivalent surface, a substantially equivalent length, and substantially equivalent turns as another course located in a different area. Just because Nimura, et al. disclose various road attributes for vehicle routing does not mean the combination of the references discloses the features of using a geographic database to compare different areas and identify data to determine a course having a substantially equivalent surface, a substantially equivalent length, and substantially equivalent turns as another course located in a different area.

Accordingly, claim 36 is allowable for at least these reasons. Claims 2, 5-8, 11-14, and 17-18 depend, directly or indirectly, from allowable claim 36 and, therefore, are allowable for at least the same reasons.

Claim 38

Claim 38 recites, *inter alia*, "providing an indication of the comparing of the first and the second performances to the first participant during the first performance." The combination of Muendel and Nimura, et al. does not disclose at least these features.

Muendel discloses a system for automatic monitoring of a real-time athletic performance of a user and Nimura, et al. disclose a vehicle navigation system in which user preferred road data is determined and stored during travel to supplement fixed road data, as mentioned above.

However, even if one of ordinary skill in the art would have combined the references, there is still no teaching or suggestion of providing an indication of the comparing of first and second performances to a first participant during the first performance. Muendel discloses that after all of the competitors' results are sent to the server computer, the server computer then determines the winner. (Muendel, page 28, lines 14-20). Accordingly, the winner flag or indication disclosed by Muendel is provided after the competitors' performances, not during a performance. The combination does not disclose providing an indication of the comparing of first and second performances (which are in separate locations/courses) to a first participant while the first participant is engaged in the first performance.

Accordingly, claim 38 is allowable for at least these reasons. Claims 3-4 and 19 depend from allowable claim 38 and, therefore, are allowable for at least the same reasons.

Also, claims 18 and 19 are allowable for similar reasons.
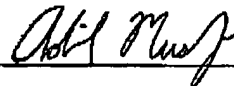
Claim 37 and Dependents

Claim 37 recites some features that are similar to the features of claims 36 and 38. Therefore, the respective arguments made above in regards to claims 36 and 38 appropriately apply to claim 37 as well.

Accordingly, claim 37 is allowable for at least those reasons. Claim 23 depends from allowable claim 37 and, therefore, is allowable for at least the same reasons.

IV.   Summary

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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